



Pennsylvania's Implementation Social Distancing Law Project

High-Priority Tools for Public Health Legal Preparedness

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Building on Prior Efforts

- **Office of General Counsel
Emergency Preparedness Committee**
 - Ongoing pandemic influenza planning
 - Review of legal framework for responding to “disaster emergency” with public health consequences
 - Developed Matrix of agency roles in disaster response
 - Drafted Model disaster declarations
 - Developed Policy for use of volunteers during emergency response.

SDLP Planning

- **Identify project leadership team**
- **Set goals**
- **Establish project timelines**
- **Develop legal consultation (TTX)**
 - **Scenario**
 - **Identify participant list**
 - **Length of TTX**

SDLP Team

- Intent was to involve other state agencies and stakeholders in table top but not in development
- Hired contractor to write scenario and facilitate table top exercise (TTX)

Goals

- **Develop a realistic tabletop exercise to:**
 - **test sufficiency of legal authority to implement social distancing measures in a declared or undeclared disaster emergency with public health consequences**
 - **assess agency/stakeholder understanding of authority**
 - **assess operational readiness**

Legal Assessment

- **CATEGORIES OF INQUIRY:**
 - **Restrictions on the movement of persons**
 - **Curfew authority**
 - **Inter-jurisdictional cooperation and coordination**
 - **Closure of public places**
 - **Mass prophylaxis readiness**

Legal Assessment

cont

- **Considerations for each category:**
 - **Authority with and without declared emergency**
 - **Establishing and ordering measures**
 - **Enforcement and penalties**
 - **Duration of measures**
 - **Due process and liability issues**
 - **Potential legal barriers, gaps, uncertainties**

Table Top Exercise

■ PARTICIPANTS:

- Governor's office
- State agencies: DOH, PEMA DPW, PDA, State Police, DOE, DMVA
- County/ Muni Health Departments
- Admin Office of PA Courts
- KEMA
- EMS Councils
- Hospital Organizations
- Sheriff's Association

TTX Scenario

- **Farm Show Complex**
- **Visitors and vendors from all over the country**
- **US and international visitors**
- **Many species of animals**
- **Influenza like illness in visitor**
- **Rapid human to human spread**
- **Novel influenza virus**

Legal Consultation Meeting

■ Issues Raised:

- I and Q- human and animal
- Closure - events, places, businesses
- Due process

Legal Framework

- **Administrative Code**, Article 21 and ancillary, 71 P.S. §§531-551; 1401-1435
- **Disease Prevention and Control Law (DPCL)**, 35 P.S. §§521.1 *et seq*
- **DPCL Regulations**, 28 Pa. Code, Ch. 27
- **Counterterrorism Planning, Preparedness and Response Act (CPPRA)**, 35 §§2140.101-2140.303
- **Emergency Management Services Code (EMSC)**, 35 Pa.C.S. §§7101-7707

CONCLUSIONS

- PA has sufficient legal authority to implement social distancing measures in a declared or undeclared emergency
- Key players in a pandemic are largely familiar with relevant legal authority
- Resources are the most significant barriers in a real-world response

Challenges

- **Conduct legal assessment and TTX while also directing response to H1N1 pandemic.**
- **Scheduling meeting with high level agency executives who had decision making authority and their legal counsel.**

Benefits of SDLP for PA

- **Opportunity to:**
 - **Assess understanding of legal authority and response roles**
 - **Raise questions/concerns**
 - **Refresh plans/contacts**
- **Very positive response from participants**

How to maximize opportunity

- Include appropriate participants
- Carefully consider length of TTX
- Use skilled facilitator
- Stress importance of speaking openly, raising questions/concerns

Next Steps

- **Currently working on revision to DOH regulations pertaining to communicable and non-communicable diseases – clarify existing authority**
- **Consider another TTX since PA has new administration**

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